

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Charles Sinclair and Martin Edward Mäntylä Noble

Application No.: 10/530,795 Group: 1656

371(c) Date: November 7, 2005 Examiner: Jae W. Lee

Confirmation No.: 9371

For: PROTEIN LATTICE

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INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This interview summary is being submitted to summarize the telephonic interviews which took place on April 30, 2010 and May 4, 2010 between Examiner Lee and Mr. Hak J. Chang, one of the representatives for Applicants. Applicants wish to thank Examiner Lee for his efforts in conducting the telephonic interviews.

On April 30, 2010, Examiner Lee contacted Mr. Chang regarding a potential Examiner's amendment which would put the application into condition for allowance. The Examiner's proposal was to amend independent Claim 1 to recite "crystalline protein lattice" and to add the limitations of Claims 35, 37 and 39. The Examiner also suggested adding the phrase "wherein first and second oligomer assemblies are distinct / different" into Claim 1 and to correct any informalities in Claims 35, 37 and 39. In response, Mr. Chang agreed to correct all informalities, as appropriate. However, with respect to the limitation directed to the identity of the oligomer assemblies, Mr. Chang disagreed with the Examiner by stating that the first and the second

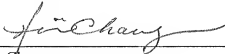
oligomer assemblies can be the same kind and that this is easily envisioned and practiced by skilled artisans in view of the teachings in the Specification. No agreement was reached and Mr. Chang indicated that he would discuss the amendment with Applicants to see if Applicants agree with the Examiner's proposed amendments.

On May 4, 2010, after consulting with Applicants, Mr. Chang informed the Examiner that Applicants are reluctant to accept the Examiner's amendment because the amendment would unduly narrow the scope of the claimed invention. Mr. Chang asked the Examiner to consider an alternative amendment to Claim 1 which is essentially the same as the Examiner's amendment, but does not contain the limitations of Claims 35, 37 and 39. In addition to the examples and teachings set forth in the present Specification, Mr. Chang also pointed out to the Examiner Exhibit A, which had been previously submitted before the Office on July 23, 2008, demonstrating achievement of yet another type of a protein lattice of the present invention. Mr. Chang also requested the Examiner to consider the teachings of a recently granted U.S. Patent whose counterpart scientific article was cited in the previous Office Action dated December 8, 2008 (Padilla *et al.*, PNAS (2001) 98:2217-2221) and its claim scope. The Examiner, however, maintained his position under 35 U.S.C. § 112, first paragraph, written description and enablement. Finally, the Examiner indicated yet another prior art reference directed to crystallization of *E. coli* dps protein. Mr. Chang disagreed with the Examiner's interpretation based on the fundamental technical differences between crystallized proteins and the protein lattices of the present invention. No agreement was reached between the Examiner and Applicants.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By



Hak J. Chang

Registration No. 56,319

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

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